

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

DATE: September 29, 2006

SUBJECT: Reports of Significant Developments and Activities
Ending on September 22, 2006

FROM: Richard C. Karl, Director
Superfund Division

TO: Bharat Mathur
Acting Regional Administrator

Norman R. Niedergang
Acting Deputy Regional Administrator

The activities listed below are organized by site-specific activities, training/conferences, and stakeholder feedback:

SITE-SPECIFIC ACTIVITIES

Settlement, Loes Enterprises, Inc., St. Paul, Minnesota

On September 20, 2006, the United States Environmental Protection Agency (U.S. EPA) entered into a Consent Agreement and Final Order (CAFO) with Loes Enterprises, Inc. (Loes) to resolve alleged violations of the Emergency Planning and Community Right-to-Know Act (EPCRA) Section 312 reporting requirements. The Complaint alleged that Loes submitted incomplete Tier Forms to the Minnesota State Emergency Response Commission and the St. Paul Fire Department for calendar years 2001 and 2002. The Tier Forms did not include four new chemicals. In addition, no submission was made for calendar year 2003 until July 21, 2004, after contact by U.S. EPA. The July 21, 2004, Tier Form was changed and resubmitted twice. Loes is a second time violator. They paid a \$5,000 penalty in 2002 for similar violations. This action proposed a penalty of \$114,877. Loes claimed and was able to substantiate an inability to pay the proposed \$114,877. The penalty was adjusted accordingly and Loes has agreed to pay a \$70,000 penalty in three payments over two years.

Contact: Ruth McNamara (312-353-3193)

Administrative Complaint Filed, ISG Cleveland, Inc., Cleveland, Ohio

On September 14, 2006, the Agency filed an Administrative Complaint against ISG Cleveland, Inc., Cleveland, Ohio. The Administrative Complaint alleges violations of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 103. On April 24, 2006, at 11:00 a.m., ISG Cleveland, Inc., had a 1,271 pound release of sodium hypochlorite into the environment. Sodium hypochlorite is a hazardous substance under the CERCLA with a reportable quantity (RQ) of 100 pounds. This release is 12.7 times the RQ. The person in charge of the facility notified the National Response Center (NRC) on April 24, 2006, at 3:33 p.m. or 4 hours and 33 minutes after the release occurred. The proposed penalty in the Administrative Complaint is \$28,340. ISG Cleveland, Inc., will have 30 days to respond to the Administrative Complaint.

Contact: James Entzminger (312-886-4062)

Administrative Complaint Filed, Five Star Laundry, Chicago, Illinois

On September 19, 2006, the U.S. EPA filed an Administrative Complaint against Five Star Laundry, Chicago, Illinois. The allegations include Section 312 of the Emergency Planning and Community Right-to-Know Act (EPCRA). It was determined that the facility had 726 pounds of sulfuric acid during calendar year 2003 and 2,971 pounds of sulfuric acid during calendar years 2004 and 2005. The reporting threshold for an extremely hazardous substance is 500 pounds or the threshold planning quantity, whichever is lower. The facility exceeded the reporting threshold by 5.9 times. These violations were discovered during an EPCRA compliance inspection conducted on May 18, 2006, at Five Star Laundry. The total proposed penalty in the Administrative Complaint is \$43,298. Five Star Laundry will have 30 days to respond to the Administrative Complaint.

Contact: Ginger Jager (312-886-0767)

TRAINING/CONFERENCES

Meeting, FEMA Region 5 Regional Interagency Steering Committee, Chicago, Illinois

On September 13 and 14, 2006, Glenn Cekus, Chemical Emergency Preparedness and Prevention (CEPPS), represented U.S. EPA Region 5 at the quarterly Regional Interagency Steering Committee (RISC) meeting, held at Federal Emergency Management Agency (FEMA) Region 5 in Chicago, Illinois. The meeting primarily focused upon National Response Plan (NRP) Emergency Support Function 1 - Transportation and the role of the Department of Transportation (DOT) as lead agency and elements of the Defense Coordinating Officer (DCO).

DOT explained the Department of Defense's involvement and integration with FEMA and other Federal agencies upon activation of the NRP. The DOT presentations also covered topics, such as an overview of transportation modes, emergency response in the Great Lakes, and motor carrier exemptions during disaster response/recovery operations. The Maritime Cargo-Security Issues topic included an interesting video on the use of Maritime Administration (MARAD) during hurricane response operations last year. The vessels were used as floating command posts, berthing areas, mess halls, shelters, and vehicle parks. Glenn Cekus gave an update on the U.S. EPA Region 5 activities. The facility Chemical Comprehensive Review for Cook County and the City of Chicago were discussed, ongoing operations in New Orleans, Incident Command System training, and the upcoming Continuity of Operations exercise. Ann Whelan, Oil Section, and Pat Glithro, FEMA, provided an update on the Spills of National Significance (SONS) exercise. Ginny Narsete also attended the meeting.

Contact: Glenn Cekus (312-353-6449)

STAKEHOLDER FEEDBACK

Letter of Appreciation, Spill Prevention, Control and Countermeasure (SPCC) Program, Leech Lake Band of Ojibwe, Cass Lake, Minnesota

A letter received on September 19, 2006, from Shirley Nordrum, Environmental Director, Leech Lake Band of Ojibwe, Division of Resources Management, Minnesota, expressed "the appreciation of

the Leech Lake Band of Ojibwe for all the assistance your program has recently provided us. Offering Leech Lake Staff the opportunity to participate in a joint inspection of EPA regulated above ground storage tanks on Leech Lake Reservation provided for critical infrastructure and capacity building for Leech Lake's Environmental Department. In speaking with the staff, all were very pleased at the opportunity to discuss current compliance issues regarding the school's tanks, Spill Prevention, Control and Countermeasure Plan, and overview of the SPCC Program. They appreciated the direct communications with EPA and felt it was a smooth and complete process. Again, thank you for the time and assistance provided to the Leech Lake Band to assist us in compliance, capacity building, and strengthening the working relationship between EPA and the Band."

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cc: Susan Bodine (OSWER)
Tom Dunne (OSWER)
Barry Breen (OSWER)
Ed Chu (OSWER)
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Elizabeth Southerland (OSRTI)
Larry Zaragoza (OSRTI)
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Dana Tulis (OEM)
Craig Beasley (OEM)
Jim Woolford (FFRRO)
Region 5 State Superfund Coordinators
Division/Office Directors
ORA State Coordinators
Regional Team Managers